1867.

SUPREME COURT OF THE UNITED STATES.

No. 168.

THE SOCIETY FOR THE RELIEF OF DESTITUTE ORPHAN BOYS, APP'TS,

vs.

MARY MURDOCK AND AL., HEIRS OF JOHN McDONOGH, DECEASED.

APPEAL FROM THE CIRCUIT COURT U. S. FOR THE EASTERN DISTRICT OF LOUISIANA.

CIRCUIT COURT OF THE UNITED STATES,
Fifth circuit and eastern district of Louisiana.

To the honorable the judges of the circuit court of the United States, for the fifth circuit, sitting in the eastern district of Louisiana.

The petition of the "Society for the relief of destitute orphan boys," a corporation duly established by law, respectfully shows:

That they are defendants to a bill in chancery, lately pending in your honorable court, entitled Mary Murdock et al., heirs of John McDonogh, *vs.* The executors of McDonogh and als. That such a decree hath been rendered in said cause as affects the interests of your petitioners, and greatly to their injury and prejudice. That it is manifest from the face of the papers that it is a case in which the Supreme Court of the United States hath appellate jurisdiction; and your petitioners are desirous of taking an appeal to said Supreme Court, from the said decree, rendered on the seventh day of October, 1852; and are now here ready to give such bond, and to submit to such terms, as may be required of them according to law. They therefore pray that an appeal accordingly may be allowed to them, and that the complainants named in said bill may be notified of said appeal, and duly summoned to answer the same in the said Supreme Court, as provided by law. The petitioners now present this their petition in the foregoing recited case, and pray as above, and for general relief.

G. B. DUNCAN,
Solicitor for the Society for the relief of destitute orphan boys.

(Filed 25th January, 1853.)

Order.

Let an appeal be granted, on defendants giving bond as required by law, in the penal sum of two hundred dollars, with L. C. Duncan as surety thereon.

THEO. H. McCALEB,
U. S. judge.

New Orleans, 25th January, 1853.

Agreement—filed 18th Nov., 1853.

EXECUTORS OF JOHN McDONOGH, appellants,
vs.
MARY MURDOCK et als., heirs of John McDonogh, appellees.

(No. 115.) Supreme Court of the United States.

The Society for the relief of destitute orphan boys, one of the defendants in the cause above entitled, having filed an appeal from the decree of the court therein, which is not copied in the transcript of appeal prepared for the Supreme Court at the instance of the executors and appellants—

It is now mutually stipulated and agreed, that the petition of appeal so taken by the said society be copied by the clerk and be taken up to the Supreme Court as a part of the case therein pending, to be heard at the same time and upon the same record, and decided in the same decree.

This stipulation to stand in force as if made on the day of the filing of said appeal; and the complainants' appellees, accepting service of the citation of appeal, and waiving any other service thereof.

New Orleans, Nov. 17th, 1853.

BENJAMIN & MICOU,
Solicitors for appellees.
G. B. DUNCAN,
Attorney for the Society for the relief of destitute orphan boys.

U. S. CIRCUIT COURT,
Eastern district of Louisiana.

CLERK'S OFFICE.

I certify the foregoing to be true copies of the original petition of appeal, order allowing appeal, and agreement of counsel, on file in this office, in the case of Mary Murdock and als., heirs of McDonogh, *vs.* The executors of McDonogh and als., number 1981 of the docket of said court.

Witness my hand, and the seal of said court, at New Orleans, this 18th Nov., 1853.

[SEAL.]

J. W. GURLEY, *Clerk.*

1868.

SUPREME COURT OF THE UNITED STATES.

No. 169.

THE MAYOR, ALDERMEN AND INHABITANTS OF NEW ORLEANS, AND THE EX'ORS OF JOHN McDONOGH, DECEASED, APPELLANTS,

vs.

MARY MURDOCK AND AL., HEIRS OF JOHN McDONOGH, DECEASED.

APPEAL FROM THE CIRCUIT COURT U. S. FOR THE EASTERN DISTRICT OF LOUISIANA.

CIRCUIT COURT OF THE UNITED STATES,
Fifth circuit and eastern district of Louisiana.

Copy of petition of appeal—original filed 26th October, 1852.

To the hon. the judge of the circuit court of the United States, fifth circuit and eastern district of Louisiana.

The petition of the Mayor, Aldermen and Inhabitants of New Orleans, and of C. Roselius, William E. Leverich, A. D. Crossman, F. B. D'Aquin, citizens of New Orleans, State of Louisiana, and executors of the last will and testament of John McDonough, deceased, respectfully shows:

That they complain of error in a certain final judgment rendered against them in a certain cause in your honorable court in chancery, wherein Mary E. Murdock and others are plaintiffs; and they pray that an appeal may be allowed them, on giving security according to law.

L. PEIRCE,
Solicitor for defendants.

Order—endorsed on the above petition, as follows:

Let the appeal be granted as prayed for, on defendants giving bond, conditioned according to law in the penal sum of one hundred thousand dollars, with C. Roselius, A. D. Crossman, W. E. Leverich and F. B. D'Aquin as sureties thereon, said appeal to operate as a supersedeas.

THEO. H. McCALEB,
Oct. 26, 1852. *U. S. Judge.*